

Todd M. Friedman (SBN 216752)  
Adrian R. Bacon (SBN 280332)  
Meghan E. George (SBN 274525)  
Thomas E. Wheeler (SBN 308789)  
LAW OFFICES OF TODD M. FRIEDMAN, P.C.  
21550 Oxnard St. Suite 780,  
Woodland Hills, CA 91367  
Phone: 877-206-4741  
Fax: 866-633-0228  
tfriedman@toddfllaw.com  
abacon@toddfllaw.com  
mgeorge@toddfllaw.com  
twheeler@toddfllaw.com  
*Attorneys for Plaintiff*

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

LOLITA ALEKSANIAN, individually ) Case No.  
and on behalf of all others similarly )  
situated, ) **CLASS A**

Plaintiff, ) **COMPLAINT FOR VIOLATIONS**  
 ) **OF:**

VS.

NATIONAL CREDIT ADJUSTERS,  
L.L.C., and DOES 1 through 10,  
inclusive, and each of them,

Defendant.

1. NEGLIGENT VIOLATIONS  
OF THE TELEPHONE  
CONSUMER PROTECTION  
ACT [47 U.S.C. §227 ET  
SEQ.]
2. WILLFUL VIOLATIONS  
OF THE TELEPHONE  
CONSUMER PROTECTION  
ACT [47 U.S.C. §227 ET  
SEQ.]

### DEMAND FOR JURY TRIAL

Plaintiff Lolita Aleksanian (“Plaintiff”), individually and on behalf of all

1 others similarly situated, alleges the following upon information and belief based  
2 upon personal knowledge:

### 3 **NATURE OF THE CASE**

4 1. Plaintiff brings this action individually and on behalf of all others  
5 similarly situated seeking damages and any other available legal or equitable  
6 remedies resulting from the illegal actions of NATIONAL CREDIT  
7 ADJUSTERS, L.L.C. (“Defendant”), in negligently, knowingly, and/or willfully  
8 contacting Plaintiff on Plaintiff’s cellular telephone in violation of the Telephone  
9 Consumer Protection Act, 47 U.S.C. § 227 *et seq.* (“TCPA”), thereby invading  
10 Plaintiff’s privacy.

### 11 **JURISDICTION & VENUE**

12 2. Jurisdiction is proper under 28 U.S.C. § 1331 because this matter  
13 involves a question of federal law and arises out of the Telephone Consumer  
14 Protection Act, 47 U.S.C. § 227 *et. seq.*

15 3. Venue is proper in the United States District Court for the Central  
16 District of California pursuant to 18 U.S.C. 1391(b) and 18 U.S.C. § 1441(a)  
17 because Defendant does business within the State of California and Plaintiff  
18 received the calls within this district while in Burbank, California.

### 19 **PARTIES**

20 4. Plaintiff, Lolita Aleksanian (“Plaintiff”), is a natural person residing  
21 in Burbank, California and is a “person” as defined by 47 U.S.C. § 153 (39).

22 5. Defendant, NATIONAL CREDIT ADJUSTERS, L.L.C.  
23 (“Defendant”) is a debt collector who engages in the use of the telephone to  
24 collect debts, and is a “person” as defined by 47 U.S.C. § 153 (39).

25 6. The above named Defendant, and its subsidiaries and agents, are  
26 collectively referred to as “Defendants.” The true names and capacities of the  
27 Defendants sued herein as DOE DEFENDANTS 1 through 10, inclusive, are  
28 currently unknown to Plaintiff, who therefore sues such Defendants by fictitious

1 names. Each of the Defendants designated herein as a DOE is legally responsible  
2 for the unlawful acts alleged herein. Plaintiff will seek leave of Court to amend  
3 the Complaint to reflect the true names and capacities of the DOE Defendants  
4 when such identities become known.

5 7. Plaintiff is informed and believes that at all relevant times, each and  
6 every Defendant was acting as an agent and/or employee of each of the other  
7 Defendants and was acting within the course and scope of said agency and/or  
8 employment with the full knowledge and consent of each of the other Defendants.  
9 Plaintiff is informed and believes that each of the acts and/or omissions  
10 complained of herein was made known to, and ratified by, each of the other  
11 Defendants.

### 12 **FACTUAL ALLEGATIONS**

13 8. Beginning in or around March 2018, Defendant contacted Plaintiff  
14 on Plaintiff's cellular telephone number ending in -9596, in an attempt to collect  
15 on an alleged debt.

16 9. Plaintiff answered a call and informed Defendant that she had an  
17 attorney, provided his identifying information, and requested that Defendant stop  
18 calling her.

19 10. Despite this, Defendant continued to place multiple calls to Plaintiff.

20 11. Defendant used an "automatic telephone dialing system", as defined  
21 by 47 U.S.C. § 227(a)(1) to place its call to Plaintiff seeking to collect on an  
22 alleged debt.

23 12. Defendant's calls constituted calls that were not for emergency  
24 purposes as defined by 47 U.S.C. § 227(b)(1)(A).

25 13. Defendant's calls were placed to telephone number assigned to a  
26 cellular telephone service for which Plaintiff incurs a charge for incoming calls  
27 pursuant to 47 U.S.C. § 227(b)(1).

28 14. During all relevant times, Defendant did not possess Plaintiff's

1 “prior express consent” to receive calls using an automatic telephone dialing  
2 system or an artificial or prerecorded voice on his cellular telephone pursuant to  
3 47 U.S.C. § 227(b)(1)(A). Further, Plaintiff explicitly revoked any such consent.

#### 4 **CLASS ALLEGATIONS**

5 15. Plaintiff brings this action individually and on behalf of all others  
6 similarly situated, as a member of the proposed class (hereafter “The Class”)  
7 defined as follows:

8 All persons within the United States who received any  
9 telephone calls from Defendant to said person’s cellular  
10 telephone made through the use of any automatic  
11 telephone dialing system or an artificial or prerecorded  
12 voice and such person had not previously consented to  
13 receiving such calls within the four years prior to the  
14 filing of this Complaint

15 16. Plaintiff represents, and is a member of, The Class, consisting of All  
16 persons within the United States who received any telephone calls from  
17 Defendant to said person’s cellular telephone made through the use of any  
18 automatic telephone dialing system or an artificial or prerecorded voice and such  
19 person had not previously such person had not previously consented to receiving  
20 such calls within the four years prior to the filing of this Complaint.

21 17. Defendant, its employees and agents are excluded from The Class.  
22 Plaintiff does not know the number of members in The Class, but believes the  
23 Class members number in the thousands, if not more. Thus, this matter should be  
24 certified as a Class Action to assist in the expeditious litigation of the matter.

25 18. The Class is so numerous that the individual joinder of all of its  
26 members is impractical. While the exact number and identities of The Class  
27 members are unknown to Plaintiff at this time and can only be ascertained  
28 through appropriate discovery, Plaintiff is informed and believes and thereon  
alleges that The Class includes thousands of members. Plaintiff alleges that The

1 Class members may be ascertained by the records maintained by Defendant.

2 19. Plaintiff and members of The Class were harmed by the acts of  
3 Defendant in at least the following ways: Defendant illegally contacted Plaintiff  
4 and Class members via their cellular telephones thereby causing Plaintiff and  
5 Class members to incur certain charges or reduced telephone time for which  
6 Plaintiff and Class members had previously paid by having to retrieve or  
7 administer messages left by Defendant during those illegal calls, and invading the  
8 privacy of said Plaintiff and Class members.

9 20. Common questions of fact and law exist as to all members of The  
10 Class which predominate over any questions affecting only individual members  
11 of The Class. These common legal and factual questions, which do not vary  
12 between Class members, and which may be determined without reference to the  
13 individual circumstances of any Class members, include, but are not limited to,  
14 the following:

- 15 a. Whether, within the four years prior to the filing of this  
16 Complaint, Defendant made any debt collection calls (other  
17 than a call made for emergency purposes or made with the  
18 prior express consent of the called party) to a Class member  
19 using any automatic telephone dialing system or any artificial  
20 or prerecorded voice to any telephone number assigned to a  
21 cellular telephone service;
- 22 b. Whether Plaintiff and the Class members were damages  
23 thereby, and the extent of damages for such violation; and
- 24 c. Whether Defendant should be enjoined from engaging in such  
25 conduct in the future.

26 21. As a person that received numerous telemarketing/solicitation calls  
27 from Defendant using an automatic telephone dialing system or an artificial or  
28 prerecorded voice, without Plaintiff's prior express consent, Plaintiff is asserting

1 claims that are typical of The Class.

2 22. Plaintiff will fairly and adequately protect the interests of the  
3 members of The Class. Plaintiff has retained attorneys experienced in the  
4 prosecution of class actions.

5 23. A class action is superior to other available methods of fair and  
6 efficient adjudication of this controversy, since individual litigation of the claims  
7 of all Class members is impracticable. Even if every Class member could afford  
8 individual litigation, the court system could not. It would be unduly burdensome  
9 to the courts in which individual litigation of numerous issues would proceed.  
10 Individualized litigation would also present the potential for varying, inconsistent,  
11 or contradictory judgments and would magnify the delay and expense to all  
12 parties and to the court system resulting from multiple trials of the same complex  
13 factual issues. By contrast, the conduct of this action as a class action presents  
14 fewer management difficulties, conserves the resources of the parties and of the  
15 court system, and protects the rights of each Class member.

16 24. The prosecution of separate actions by individual Class members  
17 would create a risk of adjudications with respect to them that would, as a practical  
18 matter, be dispositive of the interests of the other Class members not parties to  
19 such adjudications or that would substantially impair or impede the ability of such  
20 non-party Class members to protect their interests.

21 25. Defendant has acted or refused to act in respects generally applicable  
22 to The Class, thereby making appropriate final and injunctive relief with regard to  
23 the members of the Class as a whole.

24 **FIRST CAUSE OF ACTION**

25 **Negligent Violations of the Telephone Consumer Protection Act**

26 **47 U.S.C. §227 et seq.**

27 26. Plaintiff repeats and incorporates by reference into this cause of  
28 action the allegations set forth above at Paragraphs 1-25.

27. The foregoing acts and omissions of Defendant constitute numerous and multiple negligent violations of the TCPA, including but not limited to each and every one of the above cited provisions of *47 U.S.C. § 227 et seq.*

28. As a result of Defendant's negligent violations of *47 U.S.C. § 227 et seq.*, Plaintiff and the Class Members are entitled an award of \$500.00 in statutory damages, for each and every violation, pursuant to *47 U.S.C. § 227(b)(3)(B)*.

29. Plaintiff and the Class members are also entitled to and seek injunctive relief prohibiting such conduct in the future.

## **SECOND CAUSE OF ACTION**

### **Knowing and/or Willful Violations of the Telephone Consumer Protection**

#### **Act**

#### **47 U.S.C. §227 et seq.**

30. Plaintiff repeats and incorporates by reference into this cause of action the allegations set forth above at Paragraphs 1-28.

31. The foregoing acts and omissions of Defendant constitute numerous and multiple knowing and/or willful violations of the TCPA, including but not limited to each and every one of the above cited provisions of *47 U.S.C. § 227 et seq.*

32. As a result of Defendant's knowing and/or willful violations of *47 U.S.C. § 227 et seq.*, Plaintiff and the Class members are entitled an award of \$1,500.00 in statutory damages, for each and every violation, pursuant to *47 U.S.C. § 227(b)(3)(B)* and *47 U.S.C. § 227(b)(3)(C)*.

33. Plaintiff and the Class members are also entitled to and seek injunctive relief prohibiting such conduct in the future.

## **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff requests judgment against Defendant for the following:

///

**FIRST CAUSE OF ACTION**

**Negligent Violations of the Telephone Consumer Protection Act**

**47 U.S.C. §227 et seq.**

- As a result of Defendant's negligent violations of 47 U.S.C. §227(b)(1), Plaintiff and the Class members are entitled to and request \$500 in statutory damages, for each and every violation, pursuant to 47 U.S.C. 227(b)(3)(B).
- Any and all other relief that the Court deems just and proper.

**SECOND CAUSE OF ACTION**

**Knowing and/or Willful Violations of the Telephone Consumer Protection Act**

**47 U.S.C. §227 et seq.**

- As a result of Defendant's willful and/or knowing violations of 47 U.S.C. §227(b)(1), Plaintiff and the Class members are entitled to and request treble damages, as provided by statute, up to \$1,500, for each and every violation, pursuant to 47 U.S.C. §227(b)(3)(B) and 47 U.S.C. §227(b)(3)(C).
- Any and all other relief that the Court deems just and proper.

33. Pursuant to the Seventh Amendment to the Constitution of the United States of America, Plaintiff is entitled to, and demands, a trial by jury.

Respectfully Submitted this 24th Day of May, 2018.

LAW OFFICES OF TODD M. FRIEDMAN, P.C.

By: /s/ Todd M. Friedman  
Todd M. Friedman  
Law Offices of Todd M. Friedman  
Attorney for Plaintiff